

IN The United States District Court
District of Delaware

Leonard Baylis

v

Stanley Taylor;
CORRECTIONAL Medical Systems et al

CASE # 06-11-SLR

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2006 SEP -7 PM 2:11
BO scanned

Plaintiff's Answer to Defendant's
31 August 06, Argument to Dismiss

IN ANSWER to DEFENDANT GEORGIANNA MICKEN'S
31 August 06 Argument to Dismiss, Plaintiff
NOTES how Defendant distracts from the CORE
issue of complaint by Arguing that Plaintiff
had not previously brought up the "stomach
problem" issue when in Fact he has. See
exhibit A-D And that grievance re dental
treatment had been resolved, when it has not.
See exhibit e.

The Fact is that The Department of Corrections,
via its Medical Services, via Georgianna
Mickens, has Refused to provide Plaintiff

II

proper dental treatment. This is easy to prove by Plaintiff's diligence in seeking dental treatment (For approx 1 year now) And the very obvious fact that, to this day, Plaintiff is without teeth.

In Estelle, the Court Ruled that deliberate indifference CAN be manifested by a doctor's Refusal to Administer Needed treatment — Estelle v Gamble, 429 US At 104, 105 ; 97 S Ct At 291, 292.

Furthermore, in Todaro v Ward, 431 F Supp 1129 ; 565 F2d 48 Judge Ward Ruled that there are two categories of deliberate indifference: denied or unreasonably delayed access to a physician for diagnosis and treatment And Failure to Administer treatment prescribed...

Plaintiff will prove that he has been seeking dental treatment since March, 05, beginning at Gander Hill And that, since November 05, Plaintiff has been seeking dental treatment here at The Delaware Correctional Center.

III

Plaintiff will also prove that Georgianna Mickens refused to provide Plaintiff with proper dental treatment.

The unnecessary delay of dental treatment and the in-house grievance system's failure to remedy this neglect in a reasonable amount of time has left Plaintiff no choice but to bring complaint to this court.

Defendant's failure to provide timely and adequate dental care can stem from one or two things — outright personal negligence or negligence by way of shortage of staff.

When systematic deficiencies in staffing, facilities or procedures make unnecessary suffering inevitable, a court will not hesitate to use its injunctive powers — *Newman v Alabama* 503 F2d at 1328-30; *Cruz v Ward* 558 F2d 658, 662 —

The state's obligation applies to dental care — *Chapman v Rhodes* 434 F Supp 1007, 1020

IV

The effect it would take to solve this issue being quite small compared to the possible cost and consequences to both Plaintiff and Defendants of not solving or even attempting to solve this issue — Plaintiff asserts willful neglect and wishes to proceed with discovery and bring this matter before a Jury.

Respectfully Submitted 5 September 06

Leoned Baylis

Leoned Baylis
Delaware Correctional Center
Smyrna DE 19977

Certificate of Service

I, Leonard K Baylis, hereby certify that I have served a true

And correct cop(ies) of the attached: Answer to Defendants 31 August
06 Argument to Dismiss upon the following

parties/person (s):

TO: Eileen Kelley
~~Lois A. Kelley~~
D.A.G. 820 N French St
Wilmington DE 19805

TO: Kevin J Connors
Lorena A Wolke
Attorneys 1220 N
Market St. Wilmington
DE 19899

TO: _____

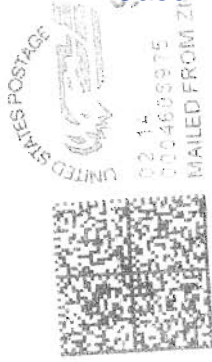
TO: _____

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 5th day of September, 2006

Leonard Baylis

IM Leonard Baylis
SBI# 100231 UNIT D-2-1
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



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X-RAY
B.M.C.